

WHITMAN TRIUMPHS IN OPTION BATTLE

Senator Elton R. Brown Moves "Bone Dry" Amendment Be Stricken From Bill.

MEASURE TO PASS TO-DAY
Governor Will Send Emergency Message Regarding This City's Referendum.

ALBANY, May 7.—Gov. Whitman scored a signal victory in the Senate tonight when his pet city bill was defeated. The measure was called up for reconsideration by Senator Elton R. Brown, Republican leader, who led the forces last week sought to bury it for all time by tacking on a "bone dry" amendment to the original bill. At that time fourteen Democrats and twelve Republicans rallied to the Brown standard and opposed the twenty-one Republicans who held out for the Governor's measure.

One of the strangest scenes ever enacted in the State Senate was staged tonight when Senator Brown arose and moved that the amendment that was voted last Friday night be stricken out. For a time the Senate was stupefied. It was not until it learned that Senator Brown adopted his change of front following a conference earlier in the day with Thaddeus C. Sweet, Speaker of the House, who had lined up the lower body solidly behind the Governor and his local option bill that the Senate saw a light.

The local option bill will be passed in the Senate to-morrow under an emergency message from Gov. Whitman and sent immediately to the Assembly for concurrence in an amendment under which the voters of New York will decide first whether the greater city will come under the local option bill. This amendment has been agreed upon and the bill will be sent to the Governor for approval.

To Meet Allied Missions.
The Legislature will adjourn Thursday, and will go to Newburgh Friday on a special train to meet the French and British commissions now touring the country. Gov. Whitman will join the party there and participate in the exercises at Washington's Headquarters.

Every Republican Senator but one who voted on Friday to amend the Hill-Wheeler local option bill voted tonight to support the Governor's measure. The amendment was a great blow to the local option bill, but had placed his own opinion in abeyance because of public opinion.

In explaining his shift of position on the amendment Senator Brown said: "I have to consider my position as leader of the majority in this House, and I have to consider the fact that the amendment is a great blow to the local option bill, but had placed his own opinion in abeyance because of public opinion."

Shuns "Trivial Details."
Senator Brown explained that he was for some local option legislation because the people wanted it, and really would have favored any prohibition amendment if it had come before the Senate, but that he could not endure seeing local option go down to defeat because of a dispute over "trivial details," as he termed the amendment last Friday.

As to forces put to work on the Senators to whip them in line against amendment of the bill, Senator Brown had this to say: "Now, I regret very much to say that there has been a revival in relation to the bill of a practice which I thought had entirely gone by, namely, calling upon party leaders in different parts of the State to exercise an influence upon Senators to force them to cast their vote in matters to which they have doubts, or contrary to their judgment. I regret. I will not lay it at the door of any one, nor will I make any charges against any individual in relation to it."

In voting to take out the amendment Senator Ogden L. Mills of New York declared he thought there was "more politics and more power than prohibition" and more temper than temperance in the fight.

Senator Mills voiced strenuous objection to the exertion of pressure on Senators, and declared "we have reached a point where the Executive and the Assembly would rather defeat local option than make the sense of a majority of this Senate."

Campaign Against Bossism.
"It was only a little while ago we had a campaign against bossism in this State," said Senator Mills. "It is to be necessary to revive that campaign? If such pressure could be exerted on a local issue it is quite conceivable that it could be exerted on issues not quite so local."

"But I am willing to recede from my position so local option will not be defeated by those who can't have their own way."

The Democrats, led by Senator Wagner, poked fun at Senators Brown, Mills, and other Republicans who reversed their position and predicted that prohibition would increase in cities that voted to give hotels liquor licenses under the local option bill but put saloons out of business.

This drew from Senator Brown a statement that to-morrow he will amend his liquor tax bill by limiting the number of hotels that may get licenses, thereby preventing a great increase in the number of "flaunt law hotels."

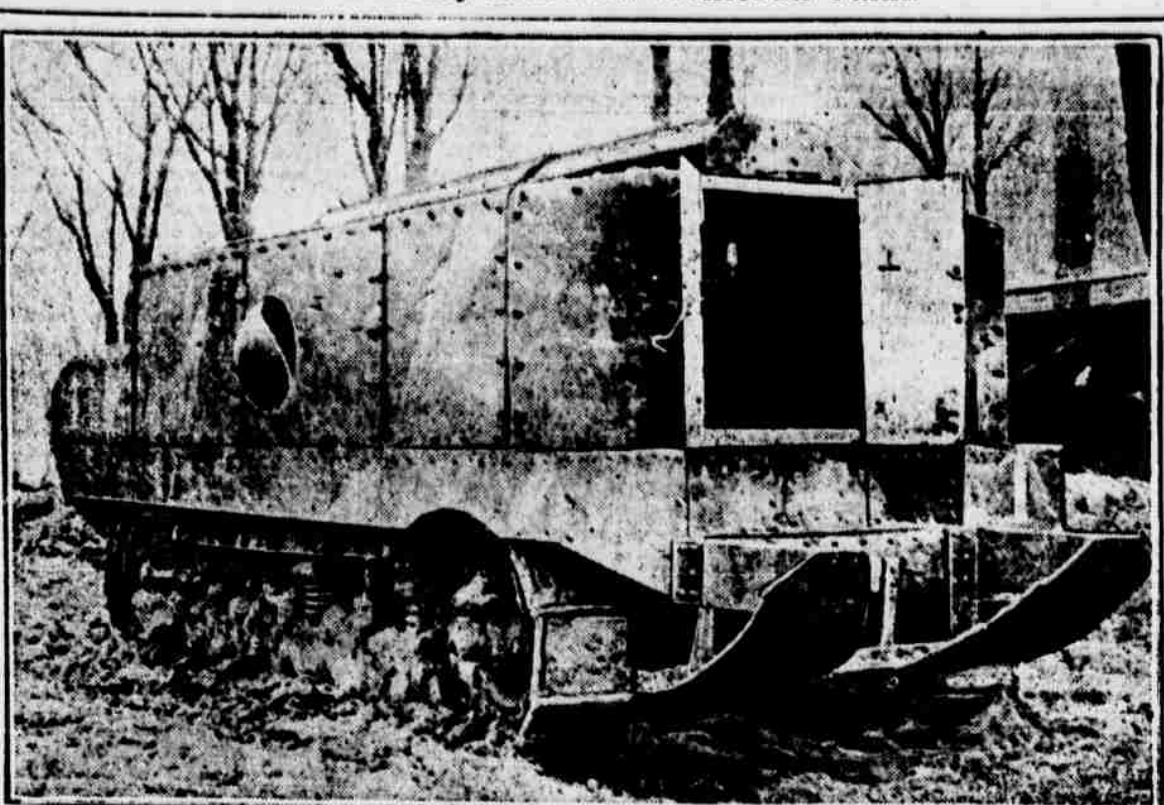
German Wine Spoils Name.
Advertising Man Has His Change of "Winburn."

Justice J. Addison Young of New Rochelle yesterday signed an order which allowed Jesse Winburn of 45 Webster street, New Rochelle, to change his name to Jesse Winburn. He is president of the New York City Advertising Company and Railway Advertising Company, 225 Fifth avenue.

In his petition he says: "Dependent as we are upon the justice of the cause of the Allies in the present European war, and has always hoped for their success, and since the entry of this country into the war, as an American citizen by birth, it is particularly unpleasant and distasteful to depend upon a name which is the name of a despised and hated enemy, because of its origin and in sympathy with the Central Powers."

That dependent believes it would be substantially beneficial to him socially and financially to change his name to one of recognized American character."

French Army Has New Armored Tank.



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A new engine of war has made its appearance on the French front. It is an armored car of the same general style as the British "tank," but is built on

entirely different lines. It is more powerful and is especially adapted for use in the heavy country through which Gen. Nivelle's troops are now advancing.

BANKERS WARNED WAR WILL BE LONG

"Ralph Connor" Calls for Sacrifice of Both Soldiers and Money.

Major Charles W. Gordon of the Forty-third Cameron Highlanders of the Canadian contingent of the British army, better known, perhaps, as "Ralph Connor," the novelist, told the members of the American Bankers Association at Briarcliff Manor last night that Germany's force in man power is greater now than it was at the beginning of the war and that there is no desire in the German empire for a peace that would mean the abandonment of war and permanent peace for the world. Major Gordon was one of the speakers at a banquet in Briarcliff Lodge at the first of the three days spring meeting of the association. The other speakers were W. P. G. Harding, governor of the Federal Reserve Board, and Pomeroy Burton, who represented the United States in the Lord Northcliffe newspaper enterprise.

"Germany would like a drawn battle, a stalemate," said Major Gordon. "She wants a postponement until the time is favorable to her. Only when destruction overwhelms her military power will she give in, and any peace offer she may make now would be only a blind so she could recover strength for a continuance of the war."

Stakes All on the Issue.

"She prepared for this conflict for twenty-five years," she imperiled her whole future; if she fails now she must abandon the most intensely cherished dream known in God's world. It is impossible for her to give up as long as she is strong enough to fight, therefore the seriousness of the war. I wish we could realize how important the war is to the world right now. Only when we realize that we are in a war rather than have the German ideal become ours."

Major Gordon warned America that she is entering a struggle which will require all of her resources and perhaps millions of her men, and declared that this country must be prepared to reverse and make sacrifices such as she has never known before.

"You stood for what happened in Belgium and what happened in France," he said. "You stood for the children and the women and the old people who were killed, and you stood it with great—almost superhuman—patience until your right to travel the seas was disputed. The British people tonight are thanking God for your President. Don't make ready for a small thing in preparing for this war. If I refrain learned anything he learned that. Kitchener called for 100,000 men. We never knew we would need 500,000. I don't know if we would have had the courage to go in at all if we had known the cost."

Call for Men by Millions.

"If this war goes on it will call not only for hundreds of thousands of men from America, but up into the millions. Every man must get into it. War isn't a matter of sending the other man's sons, but of sending your own or of going yourself. This war will not be won with dollars, but with men. If you furnish your men right they will win the war for you."

Mr. Burton declared that Europe is now in the most desperate position in its history, with industries upset, its man power depleted and the continent threatened with famine. America, he said, in the center of the action, must be prepared to reverse and make sacrifices.

"The Government should take steps to make the people understand the situation as it exists today, and as they do not understand it," said Mr. Burton. "And in shaping her war programme the Government should enforce a policy calculated to distribute the burdens of war as equitably as possible among all the people. There should grow out of this war programme neither excessive profit nor excessive burdens."

Harding on Monetary Side.

Mr. Harding's address was confined almost entirely to the financial aspects of the world struggle. He said that the war will be fought by the American bankers and the banks will do their share to make the liberty loan a tremendous success and bring victory to the allied forces. He also expressed the opinion that if the war goes on for another year America will have to raise ten billions more, besides the original seven billions called for in the act of Congress.

With the object of strengthening the Federal reserve system, the State bank section of the association, after a four day session, adopted a resolution that the Federal Reserve Board, and Frederick H. Delano, one of its members, urged the 18,000 State banks to cooperate in the organization to join with the Federal banks.

Cooperation with the Government system is not made obligatory on each bank in its individual capacity. However, it is understood that in States where the regulations are not in conflict with the Federal provisions as to loan limits such action will be general. The amendments to the Federal reserve act passed in the House last Saturday which permit the Federal bank authorities to receive State bank examinations inspections as the

YALE SELECTS TEN FOR MARINE CORPS

Eight to Get Temporary. Two Permanent Commissions After Examination.

Ten Yale students yesterday were recommended by President Hadley of the university for commissions in the Marine Corps in accordance with Gen. Barnett's request that one college in every State should recommend ten men. Eight of the ten recommendations are for temporary commissions and two are permanent. The ten will take examinations May 21 and if successful will go to the training school at Port Royal, S. C.

The men selected are Harry W. LeGore, captain of the varsity baseball team; John W. Overton, captain of the track team; Louis A. Ferguson, captain of the swimming team; Edward J. Winters, manager of the baseball team; Stanley W. Burke, president of the Yale Dramatic Association; Samuel W. Mack, managing editor of the Yale News; Holcomb York, chairman of the Yale Record; William O. Rogers, member of the Interfraternity conference, all for temporary commissions. The two selected for permanent commissions are Walter B. Day and Fred C. Wheeler, both of the Sheffield Scientific School.

Figures compiled yesterday at the navy recruiting headquarters here, showed that New York city was not the only city in New York State that failed to secure its needed quota. In fact, there wasn't a city in the State that satisfied the Navy Department. A sharp decline in navy enlistments in the last week was noted. Enlistments for the whole country being 5,785, as against 5,962 the week before. The Eastern district secured 1,674, as compared to 1,925. The Southern division was the only one to report a gain.

Enlistments in the city yesterday for the nation's defense were: Army, 170; Navy, 10; Marine Corps, 29. The Naval Coast Defense Reserve reported that it had secured 2,813 of its 10,000 quota.

Capt. Evans of the Marine Corps received orders yesterday from Washington to make a special effort to secure electricians, mechanics and men familiar with aviation, signaling, wireless and mining.

The old Cuneo mansion on Staten Island has been turned into a navy recruiting station with a Staten Island commission their request was opposed by O'Brien, Boardman, Harper & Fox of 120 Broadway, attorneys for the next of kin. The granting of letters to the trust company was not protested, but the sister and brother objected to Gordon and Crowley on the ground that they had been charged in the other action started by Mrs. Mary E. McGee of Brooklyn, who claims to be a half niece of Brady, with having exerted undue influence on him in drawing his will.

By the will the two executors are to receive \$25,000 each and jewelry. Daniel M. Brady and Mrs. Mathieu point out that both the men had been employed for many years by Brady as "clerks" and declare that in dealing with the testator's affairs neither was ever entrusted with responsibility or the exercise of discretion. In his decision the Surrogate says:

"The contestants charge that two of the executors are parties to the very injustice which the contestants complain of in their written and verified objections to probate. The temporary administration of the estate therefore will be committed to the Columbia Trust Company."

But since the two executors, he adds, have had long and intimate business relations with the testator, the Surrogate rules they shall continue as agents of the estate.

Later in the day Mrs. McGee's counsel, Frederick E. Hipple of 69 Wall street, filed formal objections to the will. Since Mrs. McGee is the third party to the contest, this blocks probate.

FARMERS FIRE ON BALLOON.
Appeal Made to Stop Practice, Which Imperils Army Aircraft.

OMAHA, Neb., May 7.—An appeal to farmers and others throughout this territory to refrain from shooting at balloons was issued today by Capt. H. J. R. McElgin of the balloon corps at Fort Omaha, who announced that such acts subject the perpetrators to severe penalties.

Many balloons are being sent up from Fort Omaha every day for the purpose of training air service recruits. Capt. McElgin said shooting at these balloons seemed to have become popular.

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THREE MORE SOUGHT IN PITTSBURG CASE

Warrants Issued for F. A. Wallis, J. S. Grant and G. A. Nichols, Jr.

OTHERS NEWLY ACCUSED

Alfred Leury Tells Swann of Deal for Sale of Buildings Here.

Warrants for the arrest of three more New York men, charging that they had a part in the alleged wrecking of the Pittsburgh Life and Trust Company, a \$24,000,000 concern, were sworn out in Pittsburgh last night. The three are Frederick A. Wallis of the Fidelity Mutual Life Insurance Company, who, it is understood, first contacted and then declined to become president of the Pittsburgh company; J. S. Grant and George A. Nichols, Jr.

The warrants were obtained by Horace W. Davis, Deputy Attorney General of Pennsylvania, who alleges conspiracy to defraud. A second set of warrants for the arrest of seven men already accused also was issued. The seven are Clarence E. Birdseye, regarded as the master mind in the transaction; his son, Kellogg Birdseye; George F. Montgomery, a New York promoter; R. H. Moore, president of the Commercial Trust Company, and Joseph C. Watson, its secretary, and Alfred Leury, a public accountant, and J. D. McQuesten, both of the newly installed board of directors of the Pittsburgh company.

J. Denny O'Neill, Pennsylvania insurance commissioner, swore out the warrants after he had been appointed receiver of the Commercial Trust Company, and Harry Rowan, special counsel named by the Department of Justice to prosecute all persons connected with the alleged misappropriation of \$1,900,000 of the company's funds.

Failed to Surrender.

According to a despatch from Pittsburgh last night the authorities there understood that Birdseye and his former associates had agreed to surrender to the authorities in their case yesterday morning. When they failed to appear the new charge was made and a telegram was sent to the New York police asking that the seven be held.

It was stated in the despatch also that the case would be held before the Grand Jury in Pittsburgh yesterday afternoon or this morning and that if Birdseye were found a special messenger would be hurried to Harrisburg for the necessary requisition papers, which would then be rushed to Albany.

Mr. Davis left for New York last night to cooperate with District Attorney Swann in the investigations here.

In a statement issued in Pittsburgh last night the committee of the city of New York, which is in charge of the investigation, said that the case would be held before the Grand Jury in Pittsburgh yesterday afternoon or this morning and that if Birdseye were found a special messenger would be hurried to Harrisburg for the necessary requisition papers, which would then be rushed to Albany.

Mr. Swann devoted a large part of yesterday to connecting the threads of evidence which he expects to be in presenting the case before the New York Grand Jury late this week. He is yet to have his first interview with Clarence Birdseye. He is expected to arrange a meeting with him in the afternoon through Charles L. Craig, but Mr. Craig said he was unable to get in touch with his client at the time. However, Alfred Leury, who served for a time as secretary and treasurer of the Pittsburgh company under Birdseye, went to the home in navy headquarters here yesterday and gave a long statement. He has resigned as an officer, he said, but still a director. The most striking part of his testimony was as follows:

"I never investigated the assets of the Dare Lumber Company before the purchase of those bonds by the Pittsburgh company," he said. "I never heard anybody speak of the Dare Lumber Company's assets or what was back of the bonds which it had purchased through its new directors, proposed to change for the Washington Life and St. James buildings in this city."

First News of Lumber Bonds.

Leury, who lives in Plainfield, N. J., said that on March 26 Birdseye asked him to go to Pittsburgh and check up on the assets of the insurance company with its printed balance sheet. "While he was there Birdseye and the 'dummy' directors arrived and he was elected an officer and director."

"The Pittsburgh Life and Trust Company was then paying 12 per cent. dividends," said Leury. "I have not satisfied myself that it was paying them out of actual profit. I think it was not. I think the dividends were paid out of what had been added to the profit and loss account."

Of the arrangements for the sale of the Washington Life and St. James buildings made at a meeting in Pittsburgh, he said:

"It was said there was an offer for this real estate at its book value, \$4,000,000. The Washington Life Building was sold for close to its book value, and it was free and clear. It was voted that the building should be sold for around \$4,000,000 and that the share of it in payment for it 6 per cent. bonds of the Dare Lumber Company. This was the first time I had ever heard of the Dare company."

"I decided that the St. James Building should be sold and a mortgage taken back for, I think, \$2,500,000, which was about \$400,000 less than the amount carried on the books."

Every man needs one. Bought now it serves well for chilly days at home and later for trips to suburbs or seashore. We are showing now special new and attractive patterns in Tibetans, Shetlands and unfinished worsteds—exclusive materials that we make to measure in exceptionally stylish effects. Samples on request.

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MAYOR IS BITTER IN RIVERSIDE VETO

Attacks Ottinger Bill as Work of Spite by "Little Politicians."

CENTRAL ALSO REJECTS

Measure Gives Public Service Commission Absolute Power Over Contract.

In a stinging attack on the members of the Legislature, whom he termed "little politicians and short sighted men," Mayor Mitchell last night vetoed the Ottinger bill recently passed by the Legislature, which gives to the Public Service Commission jurisdiction over the proposed West Side Improvement plan of 1917 of the city and the New York Central railroad.

Earlier in the day the Mayor held a public hearing on the bill at which Ira A. Place, vice-president of the New York Central, announced that if the bill became a law the railroad company would withdraw from the negotiations. The Mayor did not then indicate his attitude, but in his memorandum vetoing the bill planned under the Legislature right and left, and openly attacked the bill as playing politics in its dealings with the city.

The Ottinger bill was introduced and passed at the request of the Public Service Commission. It amends Chapter 272 of the laws of 1911, which gives the Board of Estimate full power to negotiate the proposed improvement, and provides that before the contract is signed it must have the approval of the Public Service Commission. It further provides that if the contract is not consummated by December 1 of this year, the commission is given authority to force the railroad company, at its own expense, either to deposit or to elevate its tracks in Eleventh avenue. It further prohibits the city from negotiating the right to land along the West Side, but specifies that the city owned land involved shall be rented to the company, the rent to be adjusted every twenty-five years.

Passage Almost Unanimous.

The bill passed the Assembly with but one dissenting vote and the Senate with but three negative votes. It was predicted at the time that if the bill became a law it would prevent the proposed improvement. It was also charged by the Mayor's friends that the Legislature passed the bill to show its unwelcome attitude toward the Mayor, which resulted in the defeat of the Wagner episode. The Mayor's veto will make it necessary for the Legislature to repeat it by a two-thirds vote.

After briefly setting forth the provisions of the bill the Mayor said: "This bill evidences the extent to which some members of the Legislature are prepared to sacrifice the public interest in the accomplishment of a purpose that is wholly political. The whole movement, culminating in this bill, to frustrate a proper and equitable settlement with the New York Central Railroad of its terminal freight situation on the West Side, inspired and accelerated by a single disreputable newspaper of this city and furthered by the efforts of a number of the members of both houses of the present Legislature, has had as its object the attempted public disrepute of the present city administration."

"No honest discussion of the settlement negotiated by the committee on port and terminal facilities of the Board of Estimate has been held in either house of the Legislature. No honest or sincere effort has been made to learn the facts. The decision of the competent tribunal to which the facts in this matter have been submitted, namely the Supreme Court of the State, ought not to be disturbed. The wisdom of the proposed adjustment with the railroad company has been utterly ignored by the little politicians in the Legislature who have been seeking by these various legislative expedients to embarrass and discredit the city administration."

"The paramount importance to the port and terminal facilities of the city of New York of an immediate settlement of this vexed question has been ignored by these short sighted men or blinded aside as trivial. True it is a bill which has permeated a considerable number of the members of the Legislature."

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"It was said there was an offer for this real estate at its book value, \$4,000,000. The Washington Life Building was sold for close to its book value, and it was free and clear. It was voted that the building should be sold for around \$4,000,000 and that the share of it in payment for it 6 per cent. bonds of the Dare Lumber Company. This was the first time I had ever heard of the Dare company."

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FRENCH OFFICERS AT 'CHANGE.

Brokers Join in Singing French National Anthem.

Business on the floor of the New York Stock Exchange was practically suspended yesterday for several minutes when a party of French officers from the French battleship Admiral Aube appeared in the members' gallery of the Exchange.

The officers were accompanied by H. G. S. Noble, president of the Stock Exchange; Blair S. Williams, chairman of the committee on arrangements, and Harrison K. Bird. Three rousing cheers were given by the brokers when France's fighting men were discovered. French flags were draped on some of the trading posts and the French national anthem sung.

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Five tugs conveyed the President Grant to South Brooklyn. The Friedrich der Grosse was taken to a dry dock somewhere in neighborhood waters. The Bohemia will be used as a cargo carrier.

President Grant and Friedrich der Grosse Leave Hoboken.

The German liners docks at Hoboken are being swiftly depleted of big liners seized by the Government. The giant liner Vaterland is still imbedded in the mud, but being fitted internally for use. Her engines are undergoing repairs that, it is said, will be completed soon.

Three vessels that had been tied up near her, the President Grant of the Hamburg-American Line and the North German Lloyd liner Friedrich der Grosse, both passenger carriers, which may be converted to cargo ships for the period of the war, and the freighter Bohemia, were towed from their old berths yesterday.

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